



City Council Chambers  
3300 Capitol Avenue  
Fremont, CA

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## Fremont City Council

Lily Mei, Mayor  
Raj Salwan, Vice Mayor  
Vinnie Bacon  
Teresa Keng, District 1  
Rick Jones, District 2  
Jenny Kassan, District 3  
Yang Shao, District 4

## City Staff

Mark Danaj, City Manager  
Harvey E. Levine, City Attorney  
Karena Shackelford, Assistant City Manager  
Brian Stott, Assistant City Manager  
Christina Briggs, Economic Development Director  
Marilyn Crane, Interim CTO/IT Director  
Allen DeMers, Human Resources Director  
Susan Gauthier, City Clerk  
Curtis Jacobson, Fire Chief  
Hans Larsen, Public Works Director  
David Persselin, Finance Director  
Kimberly Petersen, Chief of Police  
Dan Schoenholz, Community Dev. Director  
Suzanne Shenfil, Human Services Director  
Suzanne Wolf, Community Services Director

# Fremont City Council Agenda and Report

January 15, 2019

## General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Agenda
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

## Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may they speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

## Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address, and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**The City Council Agendas may be accessed by computer at the following World Wide Web**

**Address:** [www.fremont.gov](http://www.fremont.gov)

## Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. City Council meetings are *open captioned* for the deaf in Council Chambers and *closed captioned* for home viewing.

## Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538

Telephone: (510) 284-4060

*Your interest in the conduct of our City's business is appreciated.*

**Agenda**  
**Fremont City Council Regular Meeting**  
**January 15, 2019**  
**City Council Chambers, 3300 Capitol Avenue, Building A**  
**7:00 PM**

**1. Preliminary**

- A. Call to Order**
- B. Salute the Flag**
- C. Roll Call**
- D. Announcements by Mayor / City Manager**

**2. Consent Calendar**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

**A. Motion To: Waive Further Reading of Proposed Ordinances**

*(This permits reading the title only in lieu of reciting the entire text.)*

**B. Approval of Minutes - None.**

**C. REJECT ALL BIDS FOR THE WARM SPRINGS COMMUNITY PARK ARBOR (PWC8833) - Reject bid for the Warm Springs Community Park Arbor Project and direct staff to revise the project scope.**

Contact Persons:

Name:	Roger Ravenstad	Suzanne Wolf
Title:	Parks Planning and Design Manager	Community Services Director
Dept:	Landscape Architecture	Community Services
Phone:	510-494-4723	510-494-4329
E-Mail:	rravenstad@fremont.gov	swolf@fremont.gov

**RECOMMENDATION:** *Reject all bids received on December 12, 2018, for the Warm Springs Community Park Arbor Project, City Project No. 8833 (PWC), and direct staff to make necessary revisions to the scope of work and contract documents, and re-bid the project as a demolition and renovation project.*

**D. BIKEWAY IMPROVEMENTS PROJECT - Approval of Plans and Specifications and Award of Contract to Chrisp Company in the Amount of \$835,448.10 for the Bicycle Master Plan - Year 1 Bikeway Improvements Project (PWC 8874); Find Project Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities)**

Contact Persons:

Name:	Matthew Bomberg	Hans Larsen
Title:	Senior Transportation Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4766	510-494-4722
E-Mail:	MBomberg@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Approval of the following actions related to the Bicycle Master Plan Year 1 Bikeway Improvements Project (PWC 8874):

1. Find that this project is categorically exempt from review under California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15301 as the repair, maintenance or minor alteration of existing facilities involving no or negligible expansion of use beyond that presently existing.
2. Approve the plans and specifications for this project.
3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Chrisp Company, in the amount of \$835,448.10 and authorize the City Manager or designee to execute the contract.

**E. TRACT 8403 - Approval of Final Map, Agreement for Construction of Private Street Improvements, and Dedication of Public Easements for Tract 8403, located at 44960 Warm Springs Boulevard (Metro Crossing)**

Contact Persons:

Name:	Anne Quasarano	Hans Larsen
Title:	Senior Civil Engineer	Public Works Director
Dept:	Engineering	Public Works
Phone:	510-494-4767	510-494-4722
E-Mail:	aquasarano@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8403.
2. Approve the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8403", with the developer, Toll CA XX, LP, and authorize the City Manager to execute the agreement on behalf of the City.
3. Accept the developer's offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer's completion of the improvements to the satisfaction of the City Engineer.

### 3. Ceremonial Items

**A. Proclamation: "A National Day of Racial Healing," January 22, 2019**

### 4. Public Communications

**A. Oral and Written Communications**

**INDUSTRIAL DEVELOPMENT AUTHORITY - None.**

**PUBLIC FINANCING AUTHORITY - None.**

**CONSIDERATION OF ITEMS REMOVED FROM  
CONSENT CALENDAR**

**5. Scheduled Items**

- A. OLIVEIRA FARM COTTAGES – 39392 Blacow Road – PLN2018-00292 – Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Rezoning of a 1.19-acre site from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map No. 8477, and a Private Street to Allow Development of Eight Small-Lot Single-Family Homes and Related Improvements Including the Extension of the Blacow Road Frontage in the Irvington Community Plan Area, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA).**

Contact Persons:

Name:	James Willis	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	Community Development
Phone:	510-494-4449	510-494-4454
E-Mail:	jwillis@fremont.gov	kwheeler@fremont.gov

**RECOMMENDATIONS:**

1. Hold public hearing; and
2. Find that the Mitigated Negative Declaration as shown in Exhibit "A" was prepared in accordance with the requirements of CEQA, that there is no substantial evidence that the project will have a significant effect on the environment, and that this action reflects the independent judgment of the City of Fremont;
3. Introduce an ordinance approving a Rezoning of the subject parcel from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292 as shown on Exhibit "B," based on the findings set forth in Exhibit "D;"
4. Approve Preliminary and Precise Planned District P-2018-292 as shown in Exhibits "B" and "C," and the accompanying land use and development provisions set forth in Exhibit "E," based on the findings and subject to the conditions of approval set forth in Exhibit "D;" and
5. Approve Vesting Tentative Tract Map No. 8477 and the accompanying Private Street entitlement as shown in Exhibit "C," based upon the findings and subject to the conditions of approval set forth in Exhibit "D;"
6. Approve the proposed removal and mitigation of fourteen protected trees, pursuant to the Tree Preservation Ordinance based on the findings and subject to the conditions of approval in Exhibit "D;" and
7. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.

**B. PALMIA AT MISSION FALLS CONDOMINIUM MAP APPEAL – 47201 Mission Falls Court – PLN2018-00222 - Public Hearing (Published Notice) to Consider an Appeal of the Planning Commission's Denial of an Amendment to Planned District P-2017-297 and a Tentative Parcel Map for Condominium Purposes (Map No. 10810) to Allow a Previously-Approved 171-Unit Rental Apartment Project (Palmia at Mission Falls) for Seniors to be Changed to a For-Sale Condominium Project for Seniors at 47201 Mission Falls Court in the Warm Springs Community Plan Area, and to Consider a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(4), which Exempts Projects that Will Be Rejected or Disapproved. (CONTINUED FROM THE DECEMBER 18, 2018 CITY COUNCIL MEETING)**

Contact Persons:

Name:	James Willis	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	Community Development
Phone:	510-494-4449	510-494-4454
E-Mail:	jwillis@fremont.gov	kwheeler@fremont.gov

**RECOMMENDATIONS:**

1. Hold public hearing.
2. Find that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(4), which exempts projects that will be rejected or disapproved.
3. Deny the appeal.
4. Uphold the Planning Commission's decision to deny the application to amend Precise Planned District P-2017-297, based on findings specified in FMC Sections 18.110.070 and 18.225.050.
5. Uphold the Planning Commission's decision to deny the application for a Tentative Parcel Map for Condominium Purposes based on findings specified in FMC Section 17.20.200.

**6. Report from City Attorney - None.**

**7. Other Business**

**A. CONSIDERATION OF MINIMUM WAGE ORDINANCE - Consider Introduction of Ordinance to Establish a Local Minimum Wage.**

Contact Persons:

Name:	David Persselin
Title:	Finance Director
Dept:	Finance Department
Phone:	510-494-4631
E-Mail:	dpersselin@fremont.gov

**RECOMMENDATIONS:**

1. Find that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline Section 15061(b)(3) because the proposed ordinance does not have the potential for causing a significant effect on the environment.
2. Waive full reading and introduce ordinance replacing Fremont Municipal Code Title 5, Chapter 5.30 "Minimum Wage" as shown in Exhibit A.

- or
- 3. Waive full reading and introduce ordinance replacing Fremont Municipal Code Title 5, Chapter 5.30 "Minimum Wage" as shown in Exhibit B-1.
- or
- 4. Waive full reading and introduce ordinance replacing Fremont Municipal Code Title 5, Chapter 5.30 "Minimum Wage" as shown in Exhibit B-2.

## **8. Council Communications**

**A. Council Referrals - None.**

**B. Oral Reports on Meetings and Events**

## **9. Adjournment**





## ACRONYMS

ABAG	Association of Bay Area Governments	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTC	Alameda County Transportation Commission	HBA	Home Builders Association
ACWD	Alameda County Water District	HRC	Human Relations Commission
ARB	Art Review Board	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
		MTC	Metropolitan Transportation Commission
CALPERS	California Public Employees' Retirement System	NEPA	National Environmental Policy Act
CBC	California Building Code	NLC	National League of Cities
CDD	Community Development Department	NPDES	National Pollutant Discharge Elimination System
CC & R's	Covenants, Conditions & Restrictions	NPO	Neighborhood Preservation Ordinance
CDBG	Community Development Block Grant	PC	Planning Commission
CEQA	California Environmental Quality Act	PD	Planned District
CERT	Community Emergency Response Team	PDA	Priority Development Area
CIP	Capital Improvement Program	PUC	Public Utilities Commission
CNG	Compressed Natural Gas	PVAW	Private Vehicle Accessway
COF	City of Fremont	PWC	Public Works Contract
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
		RFQ	Request for Qualifications
CSAC	California State Association of Counties	RHNA	Regional Housing Needs Allocation
CTC	California Transportation Commission	ROP	Regional Occupational Program
dB	Decibel	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
DEIR	Draft Environmental Impact Report		
DU/AC	Dwelling Units per Acre	RWQCB	Regional Water Quality Control Board
EBRPD	East Bay Regional Park District	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EDAC	Economic Development Advisory Commission (City)		
EIR	Environmental Impact Report (CEQA)	STIP	State Transportation Improvement Program
EIS	Environmental Impact Statement (NEPA)	TCRDF	Tri-Cities Recycling and Disposal Facility
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio		
FEMA	Federal Emergency Management Agency	UBC	See CBC
FFD	Fremont Fire Department	VTA	Santa Clara Valley Transportation Authority
		WMA	Waste Management Authority
FMC	Fremont Municipal Code		
FPD	Fremont Police Department		
FRC	Family Resource Center	ZA	Zoning Administrator
FUSD	Fremont Unified School District	ZTA	Zoning Text Amendment

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<b>Date</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>	<b>Cable Channel 27</b>
<b>January 22, 2019</b>		No City Council Meeting		
<b>January 22, 2019</b>		<i>CC/FUSD Liaison Committee Meeting</i> <b>**CANCELLED**</b>		
<b>January 29, 2019</b>		No City Council Meeting		
<b>Monday, February 4, 2019</b>		Joint Council/FUSD Meeting <b>**Rescheduled to 2/26**</b>		
<b>February 5, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 12, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 19, 2019</b>	5:30 pm.	Special Meeting / Work Session	Council Chambers	Live
<b>February 19, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 26, 2019</b>		No City Council Meeting		
<b>February 26, 2019</b>	5:30 p.m.	Joint Council/FUSD Meeting	FUSD	Live
<b>February 26, 2019</b>		<i>CC/FUSD Liaison Committee Meeting</i> <b>**CANCELLED**</b>		
<b>March 5, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 12, 2019</b>	TBD	Special Meeting / Work Session	Council Chambers	Live
<b>March 12, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 19, 2019</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 26, 2019</b>		No City Council Meeting		
<b>March 26, 2019</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	<i>Council Chambers</i>	<i>Live</i>